



BOARD OF SUPERVISORS COUNTY OF LOS ANGELES

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August 27, 2013

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County of Los Angeles
Airport Land Use Commission
320 West Temple Street, Room 1350
Los Angeles, California 90012

Dear Chairman Louie and Commissioners:

LAX SPAS – IMPASSE APPEALS

I am writing to you with several key concerns regarding the Los Angeles International Airport Specific Plan Amendment Study (LAX SPAS) Program and the recent actions by the Los Angeles City Council to approve the LAX SPAS Program/EIR. There are significant issues with how Los Angeles World Airports (LAWA) has approached airport planning related to this case. Through the airport planning process, the City of Los Angeles and LAWA may have limited the ability of affected jurisdictions to provide meaningful input on the future plans for LAX. The County's Airport Land Use Commission (ALUC) has received appeals from Culver City, the City of Ontario, and San Bernardino County, declaring an impasse in airport planning relative to the LAX SPAS Program and associated City actions, and I believe the appeals have merit and should be carefully considered by the Commission.

In 2006, under a Stipulated Settlement Agreement, the City of Los Angeles and LAWA, and the stakeholders, committed to advancing regionalization of air service. However, regionalization has not yet become a reality. The most recent airport planning effort, the LAX SPAS Program, appears to do little to further regionalization. In fact, there are aspects of the SPAS that may actually contribute to contradicting the spread of air traffic to other commercial airports within the region, such as the movement of a runway 260 feet to the north toward populated areas (Alternative 1) to accommodate more traffic capacity and airfield mobility. The consequences of the City Council's specific actions are significant to the ALUC review authority because the Council's action to select Alternative 1 as the City's "Preferred Alternative" in the LAX SPAS Program EIR appears to put this key aspect of the SPAS ultimate airport layout plan and associated impacts at odds with the County's adopted Airport Land Use Compatibility Plan (ALUCP).

The reasonably foreseeable consequence of the City Council's approval action sets into motion a project alternative to move the north runway and associated Runway Protection Zones (RPZs) closer to existing

residents, businesses, existing structures and sensitive uses, thereby shifting planned impacts so that such impacts are different and possibly greater than previously planned and reviewed by the ALUC both under the County's current Airport Land Use Compatibility Plan (ALUCP) and under the City's 2004 LAX Master Plan (Alternative D). These potential noise and safety impacts have not been presented publicly for review or analysis by LAWA to the County ALUC.

Moreover, selection of a "Preferred Alternative" from the LAX SPAS Program EIR by the City Council at such an early stage in the planning process may be inappropriate for several reasons: Other alternatives, including an environmentally superior alternative, could have been advanced for further project-level environmental review, and the City Council's action on LAX SPAS may be at odds with the County's adopted ALUCP. Therefore, these matters should be considered and referred back to the City Council with appropriate instructions on options to remedy the inconsistencies, including having LAWA work with the ALUC and other stakeholders to better coordinate airport planning within the region and LAX.

Based on information provided to County staff by LAWA, I am concerned that the ALUC has not been given the full scope of the limitations on Commission review of subsequent applications under the Public Utilities Code (Airport Land Use Statute). At the March 27, 2013 Commission hearing on the LAX SPAS City Plan Amendments, ALUC staff and County Counsel advised the Commission that LAWA had submitted a Program EIR for the current review of limited City Plan Amendments, and the future "projects" covered in the EIR would be subject to further ALUC review at a future date.

However, Section 21676.5(b) of the Public Utilities Code states the following:

"Whenever the local agency has revised its general plan or specific plan or has overruled the commission pursuant to subdivision (a), the proposed action of the local agency ***shall not be subject to further commission review***, unless the commission and the local agency agree that the ***individual projects*** shall be reviewed by the commission." (*emphasis added*)

In short, the Commission may not ever see again or review some of the projects under LAX SPAS if PUC Section 21676.5(b) is used in the future as a mechanism for LAWA or ALUC staff to make administrative decisions out of the public eye. This important information was not provided to the Commissioners on March 27th.

County staff could present more clearly the complexities of the law on this point, and the Commission may want to ask ALUC staff and/or County Counsel to clarify these requirements and limitations of review at your public proceedings on the impasse appeal in September 2013. Written assurances or conditions should be provided by the City to confirm they are committed and agree to further Commission review for projects that are under the LAX SPAS Program/EIR.

The Commission was not given the whole LAX SPAS plan for review, and therefore the piecemeal review of an incomplete application prevented the ALUC and the public from getting a clearer picture from LAWA on its priorities for LAX and the region. This lack of transparency was inappropriate.

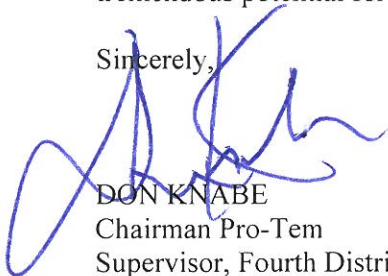
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Under the impasse appeal process, the Commission has the authority to request a complete plan to review, including a report on airport regionalization. I urge the Commission to carefully consider the appeal, its merits, and the broader significance of the ongoing impasse over airport planning relative to LAX and the region; recognizing that the altered political landscape resulting from the recent City elections warrants that additional review for this case is appropriate. The new Mayor and City Council have an important opportunity to advance regionalization and proper airport planning.

I support the ALUC's consideration to uphold the impasse appeals and to send the matter back for reconsideration to the Los Angeles City Council, with appropriate recommendations from the Commission. I would also advocate for the Commission to urge the City/LAWA to continue working with the ALUC staff to fund and update an ALUCP for LAX.

Thank you for your consideration of these comments. I look forward to seeing the fulfillment of the tremendous potential for LAX and the region.

Sincerely,



DON KNABE
Chairman Pro-Tem
Supervisor, Fourth District
County of Los Angeles

DK:jtm

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